

Application No. 09/871,605  
Attorney Docket No.: 010713  
Amendment Under 37 C.F.R. § 1.111

### **REMARKS**

Claims 1, 3-7 and 9-12 are pending in the present application. Claims 1 and 7 are herein amended.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 1, 3-7 and 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Eisenhart** (U.S. 2001/0047276) in view of **Dworkin** (U.S. 6,026,148). Favorable reconsideration is requested.

In the present invention, there is a person who desires to collect technical information (hereinafter, called an operator) and an applicant. (*See*, Fig. 2). The operator causes an applicant for membership to report predetermined items, and makes judgments on the basis of the reported items in connection with membership registration, and therefore, it is possible to carry out membership registration of only applicants of a level desired by the operator. In addition, it is also possible to expect quality information to be provided, and it is possible to move forward with research and development by effectively collecting valuable information. If entering into a confidentiality agreement is a condition at the stage of examination, it also becomes possible to generate responsibility on an unfamiliar member for that information.

Applicant respectfully submits that Eisenhart in view of Dworkin does not disclose:

performing examination operation on the reported information in connection with membership registration, the examination operation being based on examination requirements set by a human operator so that the applicant of a level desired by the human operator passes the examination operation;

and

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registering the information about the applicant into a membership database for the human operator, which is an entity separate from the applicant, on at least the condition that the applicant should have passed the examination operation;

as recited in amended claim 1; and

means for registering the information about the applicant into a membership database for a human operator, which is an entity separate from the applicant, at least on condition that the applicant has passed the examination, the examination being based on examination requirements set by the human operator so that the applicant of a level desired by the human operator passes the examination

as recited in amended claim 7.

The Office Action takes the position that:

it is old and well known in the art for an intermediary (i.e., a human operator) to match service requesters (users) with service providers (i.e., experts) according to the skills and expertise of said service providers.

(Office Action, pages 10 and 16.)

However, in the present invention as recited in the claims, the human operator is a requester of information. Even assuming that the human operator as recited in the claims corresponds with the "intermediary" as alleged by the Office Action, in the present invention it is a human of the same position or company as that of the operator that is a requester of information. Fig. 1 discloses that a database server is connected to a manager terminal through LAN, but not through internet.

Eisenhart discloses that only a member who has satisfied a certain qualification standard can access the Internet. However, the standard is not a standard of requestors who seek

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information, as in the subject application. Therefore, in Eisenhart, it is not possible to collect valuable information effectively. In the subject application, it is possible to differentiate handling of members by ranking them into several levels in accordance with an examination result.

Applicant also respectfully submits that one of ordinary skill in the art at the time of the present invention would not have been motivated to combine the teachings of Eisenhart and Dworkin.

In response to our previous arguments, (Submission, February 20, 2007), the Office Action takes the position that Eisenhart and Dworkin are linked through their mutual teachings of selecting specific participants for collaboration in exchanging information. (Office Action, page 6.) The Office Action further states that the references contain similar features for matching prospective candidates for collaborative information exchange.

Applicant notes that a determination of obviousness is based on the references as a whole. MPEP § 2141(II). The Office Action focuses only on similarities between Eisenhart and Dworkin for supporting the assertion that there is motivation to combine the references, and not the references as a whole.

Dworkin discloses a computer bulletin board or forum for posting questions in which a respondent expert then answers. (Abstract.) By contrast, Eisenhart is concerned with forming business partnerships. (Eisenhart, paragraph 14.) Eisenhart discloses facilitating collaboration between a technology supplier and a buyer of a technology asset. (Abstract.) Since Dworkin

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and Eisenhart deal with unrelated and non-analogous technologies, one of ordinary skill art would not have been motivated to combine the references.

Moreover, Dworkin teaches away from using an intricate computer network as disclosed in Eisenhart. Dworkin discloses a disadvantage in the art of computer-based bulletin boards is that

when one relies on a number of technical experts, these experts must all have some facility with computers, and must be located near a computer, in order to answer questions.

(Col. 1, lines 45-50.) Dworkin discloses solving this problem by

providing a system and method for dissemination of information, especially expert information, wherein the experts providing the information need not be computer literate, and need not be located near a computer.

(Col. 1, lines 59-63.) Specifically, Dworkin discloses solving the problem by providing the expert respondent a way to answer questions by speaking the answer in a telephone. (Col. 2, lines 12-14.) Since Dworkin teaches away from using an intricate computer network as disclosed in Eisenhart, one of ordinary skill in the art would not have been motivated to combine the references.

For at least the foregoing reasons, claims 1 and 7 are patentable over the cited references, and claims 3-6 and 9-12 are patentable by virtue of their dependence from either claim 1 or 7. Accordingly, withdrawal of the rejection of claims 1, 3-7 and 9-12 is hereby solicited.

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In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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